FISCAL NOTE

TO: Chief Clerk of the Senate

Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 16, 1995

SUBJECT: **SB 1749 - HB 1764**

This bill, if enacted, will remove the requirements of *premeditated*, *deliberate*, and *reckless* from the definition of first degree murder and redefines such as the intentional killing of another or the killing of another committed in the perpetration of other specified offenses. The bill requires no culpable mental state for conviction except for the intent to commit the other specific offenses. The penalty for first degree murder remains the same as current law: death, life in prison without parole or life in prison (25 years).

The bill removes *reckless* from the definition of second degree murder. the penalty for second degree murder is unchanged.

The bill redefines vehicular homicide as a proximate result of the driver being under the influence of an intoxicant. Current law defining vehicular homicide references a specific blood alcohol level. The penalty for vehicular homicide is increased from a Class C felony to a Class B felony.

The fiscal impact from enactment of this bill is estimated to be an increase in state expenditures of \$4,063,660 for incarceration.* This

estimate is based upon increases in convictions for first degree murder receiving a life sentence (25 years) that had previously been convicted for second degree murder (8.6 years) and voluntary manslaughter (3 years) and the elevation of vehicular homicide from a Class C felony to a Class B felony. Details of the inmate population growth and costs are shown below. Year 1 represents the first year affected by the change in sentences.

Year 1	24 Inmates	\$392,637
Year 2	39 Inmates	\$630,372
Year 3	46 Inmates	\$743,687
Year 4	53 Inmates	\$857,003
Year 5	60 Inmates	\$970,318
Year 6	67 Inmates	\$1,083,633
Year 7	74 Inmates	\$1,196,948
Year 8	105 Inmates	\$1,700,229
Year 9	178 Inmates	\$2,881,944
Year 10	251 Inmates	\$4,063,660

Enactment of this bill is also estimated to result in an increase in recurring state expenditures of \$1,215,094 and one-time state expenditures of \$148,500 for the judicial branch from the increased number of trials conducted versus resolution through plea bargaining and from the increased number of death penalty cases that will be appealed. Details are as follows:

OFFICE OF COURT ADMINISTRATION

3 Criminal Court Judges

Salary (\$93,250 ea.)	\$ 279.750
Benefits (\$16,785 ea.)	50,355
Travel (\$2,400 ea.)	7,200
Rent (\$7,200 ea.)	21,600
Utilities (\$1,000 ea.)	3,000
Communications (\$1,800 ea.)	5,400

Maintenance (\$600 ea.)	1,800
Equipment (\$6,500 ea.)	19,500 one-time
Books (\$8,000 ea.)	24,000 one-time
Supplies (\$5,000 ea.)	15,000
3 Secretaries	
Salary (\$23,592 ea.)	70,776
Benefits (\$5,898 ea.)	17,694
Equipment (\$6,000)	18,000 one-time
3 Court Reporters	
Salary (\$21,000 ea.)	63,000
Benefits (\$5,460 ea.)	16,380
Travel (\$2,000 ea.)	6,000
Supplies (\$2,000 ea.)	6,000
Equipment (\$6,000 ea.)	18,000 one-time
2 Court of Criminal Appeals Judges	
Salary (\$94,616 ea.)	\$ 189,232
Benefits (\$23,654 ea.)	47,308
Travel (\$2,400 ea.)	11,520
Rent (\$7,200 ea.)	14,400
Communications (\$1,800 ea.)	3,600
Maintenance (\$600 ea.)	12,000
Equipment (\$6,500 ea.)	13,000 one-time
Books (\$8,000 ea.)	16,000 one-time
Supplies (\$5,000 ea.)	5,000
4 Law Clerks	
Salary (\$34,595 ea.)	138,380
Benefits (\$8,649 ea.)	34,596
Equipment (\$4,000)	16,000 one-time
Supplies (\$1,200)	4,800
2 Secretaries	
Salary (\$31,711 ea.)	63,422
Benefits (\$7,928 ea.)	15,856
Equipment (\$6,000)	12,000 one-time

TOTAL COURTS \$1,240,569

PUBLIC DEFENDERS CONFERENCE

2 Assistant Public Defenders

Salary (\$30,000 ea.)	\$ 60,000
Benefits (\$7,500 ea.)	15,000

Travel (\$500 ea.)	1,000
Communications (\$1,000 ea.)	2,000
Supplies (\$500 ea.)	1,000
Rent (\$2,000 ea.)	4,000
Furniture & Equip. (\$4,000 ea.)	8,000 one-time

1 Secretary

Salary	22,500
Benefits	4,725
Communications	500
Supplies	300
	4.000

Furniture & Equip. 4,000 one-time

Total Public Defenders \$123,025

Judicial Grand Total \$1,363,594

Further, it is estimated that the additional trials and appeals will result in an increase in state expenditures to the Indigent Defense Fund. The amount of such increase cannot reasonably be determined but is estimated to exceed \$100,000.

In summary:

~ ^*	+ + 000 000
Cost of Incarceration	\$4,063,660

Cost of Judicial Process:

Recurring \$1,215,094 One-Time \$148,500

Indigent Defense Fund Exceeds \$100,000

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

James A. Davenport, Executive Director

*Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.